

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. In October the petitioner received a one-time SSI payment of \$394 and notification that as of November 1, 1999, she would begin receiving \$961 a month in Social Security benefits.

3. Based on this information the Department notified the petitioner that as of November 1, 1999, her EP benefits would terminate and her Food Stamps would be decreased to \$56 a month.

ORDER

The Department's decision is affirmed.

REASONS

Under the EP regulations for a single person the maximum income allowable for eligibility under that program is \$859 a month. WAM § 2756 and Procedures Manual § P-2740B. In this case, as of November 1, 1999, the petitioner began receiving Social Security benefits of \$961 a month. Under the regulations this made her ineligible to continue receiving benefits under the EP program.

The Food Stamp Program considers unearned household income from any source. Food Stamp Manual § 273.9(b). As of November 1, 1999, the petitioner's regular household income increased from \$834 in EP benefits to \$961 in Social Security benefits per month. It does not appear that any of the allowable deductions from income changed at that time. Under the regulations this resulted in a decrease in her monthly Food Stamps from \$89 to \$56.

Inasmuch as it has not been shown that the Department's calculations are contrary to either the regulations or the pertinent facts concerning the petitioner's circumstances, the Board is bound by law to affirm the Department's decision. 3 V.S.A. 3091(d) and Fair Hearing Rule No. 17.

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